

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

DEUNTA GARDNER

PETITIONER

V.

NO. 3:21-CV-155-DMB-DAS

STATE OF MISSISSIPPI, et al.

RESPONDENTS

ORDER

On or about July 9, 2021, Deunta Gardner filed a pro se petition for a writ of habeas corpus in the United States District Court for the Northern District of Mississippi. Doc. #1. Gardner also filed a motion to proceed in forma pauperis. Doc. #2. On July 13, 2021, United State Magistrate Judge David A. Sanders ordered Gardner to “either pay the filing fee of \$5.00 or submit a proper request to proceed *in forma pauperis*”¹ within 30 days, and warned Gardner that “failure to comply ... may lead to the dismissal of his petition.” Doc. #4. Despite this warning, and after receiving an extension to comply,² Gardner returned only one completed page of the form and excluded the portion where he must provide his inmate account information. Doc. #10. Without his inmate account information, the Court cannot rule on his motion to proceed in forma pauperis. Because, to date, Gardner has neither paid the filing fee nor returned a complete copy of the proper form, this habeas action is **DISMISSED without prejudice** for failure to prosecute and failure to comply with a court order pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED, this 14th day of September, 2021.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ The appropriate application was attached to the order and mailed to Gardner.

² Gardner requested and was granted an extension until September 1, 2021. Doc. #8.